

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
CONDITIONAL USE PERMIT REPORT (#FCU-11-11)
MBM INVESTMENTS
January 18, 2012

A report to the Flathead County Board of Adjustment regarding a request by MBM Investments for a conditional use permit to allow for the expansion of existing non-conforming uses on two parcels located north of Bigfork on Montana Highway 35.

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on February 7, 2012 beginning at 6:00 P.M. in the 2nd floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located on the second floor of the Earl Bennett Building.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

This section will be updated following the Bigfork Land Use Advisory Committee meeting on January 26, 2012.

B. Board of Adjustment

This section will be updated following the Flathead County Board of Adjustment meeting on February 7, 2012.

II. GENERAL INFORMATION

A. Application Personnel

i. Applicant & Landowner

MBM Investments
7583 Highway 35
Bigfork, MT 59911
(406) 837-3005
loyd@oldwoodsigns.com

ii. Technical Assistance/Representative

Bob Erickson, PLS
P.O. Box 1134
Kalispell, MT 59903
(406) 755-3208
rerickson@jackola.com

B. Property Location and Size

The subject properties are located approximately 600 feet south of the intersection of Montana Highway 35 and Montana Highway 83 (see Figure 1 below). The physical addresses of the properties are 7545 and 7583 Montana Highway 35, and can be legally described as Lots 1 and 2 of Singers Corner Addition Subdivision in Section

24, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana. The two parcels total approximately 2.3 acres in size.

Figure 1: Subject property shaded yellow.



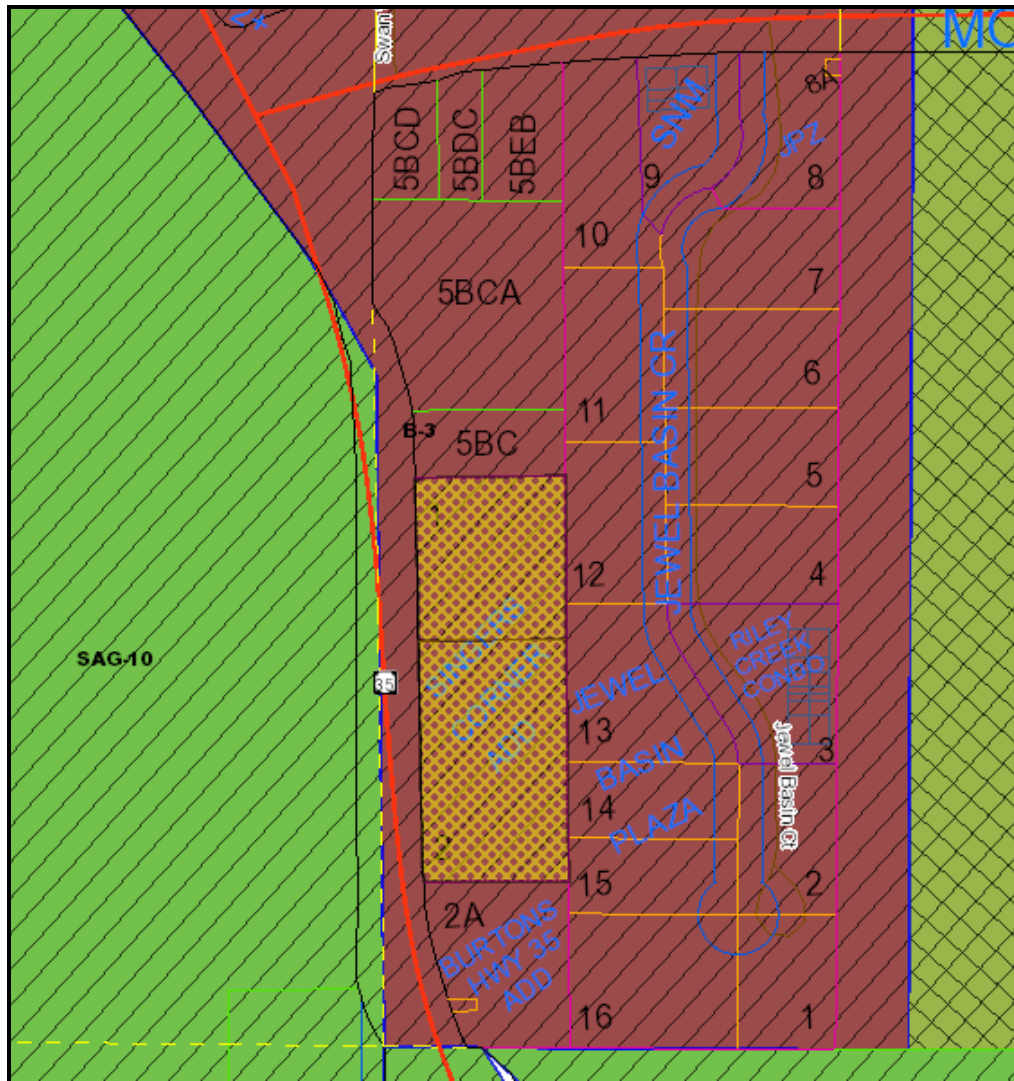
C. Existing Land Use(s) and Zoning

The two parcels are currently developed with mixed commercial and manufacturing uses, and are located within the Bigfork zoning district. Both parcels are zoned “B-3 Community Business”, a classification intended to “*provide areas for the development of congregated community shopping areas, to serve the range of a number of neighborhoods of a major segment of the Planning Area. This district should be a business center and not a strip development.*”

D. Adjacent Land Use(s) and Zoning

The general area surrounding the subject properties is a mixture of commercial and agricultural zoning. Adjacent land to the north, south and east of the subject parcels

Figure 2: Zoning surrounding the subject property (shaded yellow).



The applicant has requested a conditional use permit to allow for the expansion of existing non-conforming uses on the subject properties. Lot 1 currently has an existing building fronting the highway which operates as the Food Pantry, and another building located immediately behind used partly for sign manufacturing, assembly, and storage of raw materials. Lot 2 currently has an existing multi-tenant office/retail building fronting the highway, and a second building used for vintage sign design and manufacturing. Section 2.07.040(4) of the Flathead County Zoning

Regulations states that a non-conforming use may be expanded, subject to a Conditional Use Permit, within the confines of the lot or parcel of land upon which it is located at the time of adoption of the regulations. Expansion plans for both properties include enlarging the design and manufacturing facility located on Lot 2, increasing storage capacity within the facility on Lot 1, and improving overall parking and site circulation. The entire project expansion proposal will be divided into multiple phases. The first phase, which is the main expansion, would consist of two additions to the existing sign manufacturing building along with associated site improvements. This is depicted on the submitted site plan as a solid building located on Lot 2. Future phases would consist of an addition to the existing storage building on Lot 1, with minimal site improvements as well as a second addition to the building on Lot 2 which may be needed to accommodate additional storage. These are depicted on the submitted site plan as dashed buildings located on Lot 1 and Lot 2.

F. Compliance With Public Notice Requirements

Notification was mailed to property owners within 150 feet of the subject property on January 17, 2012, pursuant to Section 2.06.040(3) of the Flathead County Zoning Regulations. Legal notice of the public hearing on this application will be published in the January 22, 2012 edition of the Daily Interlake.

G. Agency Referrals

Referrals were sent to the following agencies on December 23, 2011:

- Montana Department of Transportation (MDT)
 - Reason: The property has direct access onto Montana Highway 35.
- Flathead County Solid Waste (FCSW)
 - Reason: The property is located within the department's jurisdiction, and has the potential to impact County facilities.
- Bigfork Water & Sewer District
 - Reason: The property is located within the district's jurisdiction, and has the potential to impact their facilities.
- Bigfork Fire Department
 - Reason: The property is located within the department's jurisdiction, and has the potential to impact their facilities.

III. COMMENTS RECEIVED

A. Public Comments

No written public comments have been received to date regarding the proposed expansion. It is anticipated any individual wishing to provide public comment on the proposal will do so during the public hearing scheduled for February 7, 2012. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing.

B. Agency Comments

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- James Freyholtz, MDT

- The property has three existing approaches onto Montana Highway 35 which will not change; no comment regarding the proposal.
- Wayne Loeffler, Bigfork Fire Department
 - Approves the Conditional Use Permit request.
- James Chilton, FCSW
 - The district views no negative impact with solid waste at this time; they request that all solid waste generated at the proposed location be hauled by a private hauler; Allied Waste is the licensed Public Service Commission licensed hauler in the area.

IV. CRITERIA REQUIRED FOR CONSIDERATION

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations (FCZR), what follows are criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

A. Site Suitability

i. Adequate usable space

The proposed expansion will occur on two separate parcels which total approximately 2.3 acres. (Note: On the applicant's submitted site plan, the supplied scale bar does not match the actual scale utilized.) The northern Lot 1 currently has two existing buildings located on the west half of the property. The building located closest to MT Highway 35 is currently utilized as a community food pantry, while the other building is partly used by the sign manufacturing business and for storage. An expansion of the storage building is proposed which would extend the building northward an additional 55 feet long by 50 feet wide. This would increase the existing building by approximately 2,525 square feet. At this time the applicant is not proposing an expansion to the western building used by the food pantry. See the submitted site plan for further details.

Figure 3: Proposed addition location on Lot 1.



The southern Lot 2 currently has two main structures and four small storage buildings located on the property. All four of the existing small storage buildings are proposed to be removed. The structure located closest to MT Highway 35 is utilized by multiple retail customer service businesses. The applicant is not proposing any additional improvements or expansions to this building. The structure located towards the rear of the property, currently utilized for manufacturing vintage wood and metal signs, is the main structure proposed for renovation. The applicant is proposing to add additions to both the north and south ends of the structure, expanding the existing square footage to a total of approximately 13,000 square feet when all future additions are completed. The addition proposed for the southern end of the structure will consist of two-stories and extend the structure an additional 55 feet long by 20 feet wide towards the southern property line. The main expansion proposed for the building will occur at the north end, providing new printing, packaging, storage, and shipping facilities for the existing business. This addition will extend the structure northward an additional 120 feet long by 60 feet wide. A further expansion is proposed in the future to extend the building an additional 30 feet northward for storage and shipping. This would make the overall length of the structure approximately 225 feet long when all construction is completed. See the submitted site plan for further details.

Figure 4: Proposed southern addition location on Lot 2.



Figure 5: Proposed northern addition location on Lot 2.



It appears that all proposed expansions of the existing buildings will continue to meet the setback requirements for the B-3 zoning [Section 3.18.040(4)(A) FCZR]. According to the submitted site plan, the south addition will be located approximately 6.5 feet from the side property line, and the northern expansion will be located approximately 15.9 feet from the rear property line. Placing the expansions close to the setback lines allows for additional space for the proposed parking, landscaping, and travel surfaces. Since the permitted lot coverage is not applicable in the B-3 zoning [Section 3.18.040(6) FCZR] the property does appear to contain adequate usable space for the proposed expansions.

Finding #1 – The subject property contains adequate usable space because the proposed expansions would be a continuation of the current manufacturing business, the property can accommodate the proposed expansions and associated parking, and the applicant can comply with the bulk and dimensional requirements of the district.

ii. Adequate access

The subject properties currently have a total of 3 existing approaches accessing onto MT Highway 35. All three of the approaches are paved and facilitate access directly onto the highway. The highway in this location is straight with clear site distances and good visibility. As the existing approaches are not changing with the proposed expansion, a statement of “no comment” was received the Montana Department of Transportation. It does not appear that the existing approaches will require re-review, based on MDT’s statement and the approaches’ current configuration.

Finding #2 - The site appears to have appropriate access because both lots have direct access onto MT Highway 35 via three existing paved approaches, the approaches appear to have good site distances to allow traffic to enter and exit the property safely, and the existing approaches will not require re-review by MDT.

iii. Absence of environmental constraints

The majority of both properties have already been developed as buildings or associated gravel and paved parking and circulation areas. The portions of the properties still in open space contain little vegetation, and the few trees not located along the property boundaries are proposed to be removed. Additionally, the properties do not appear to be located within a Special Flood Hazard Area as depicted on the Flood Insurance Rate Map panel 30029C2305G. There do not appear to be any wetlands or other type of water body located on either property, as observed during staff's site visit. The southern property, Lot 2, does contain a slope of approximately 40% on the rear property line. The proposed expansions do not appear to be affected by this slope and the topography will be incorporated into the building designs. The two lots are located within the Wildland Urban Interface (WUI). However, comment was submitted by the Bigfork Fire Department indicating they approve of the proposal, and given the lack of vegetation on or surrounding the subject property, wildfire danger does not appear to be a significant risk.

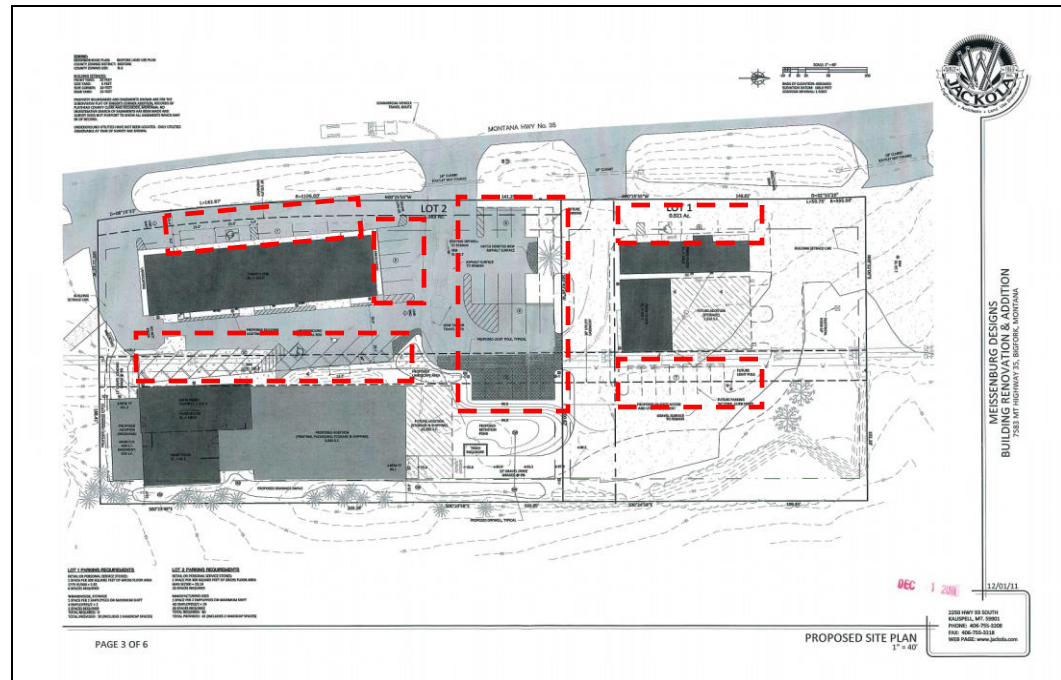
Finding #3 – The subject properties appear suitable for the proposed expansions because the land to be developed is absent of environmental constraints such as steep topography, excess fuels, riparian areas, floodplain or designated wetland.

B. Appropriateness of design

i. Parking scheme

The applicant is proposing a total of fifty-two (52) parking spaces divided between the two parcels. Nine (9) parking spaces will be located on the northern lot around the existing building, and forty-three (43) parking spaces will be located on the southern lot around the existing buildings and proposed additions. The applicant is also proposing two (2) handicap parking spaces in accordance with the Americans with Disabilities Act (ADA) located on the southern lot, and one (1) handicap parking space on the northern lot. The proposed parking areas are delineated below in Figure 6, outlined by red boxes.

Figure 6: Proposed parking locations (applicant drawing).



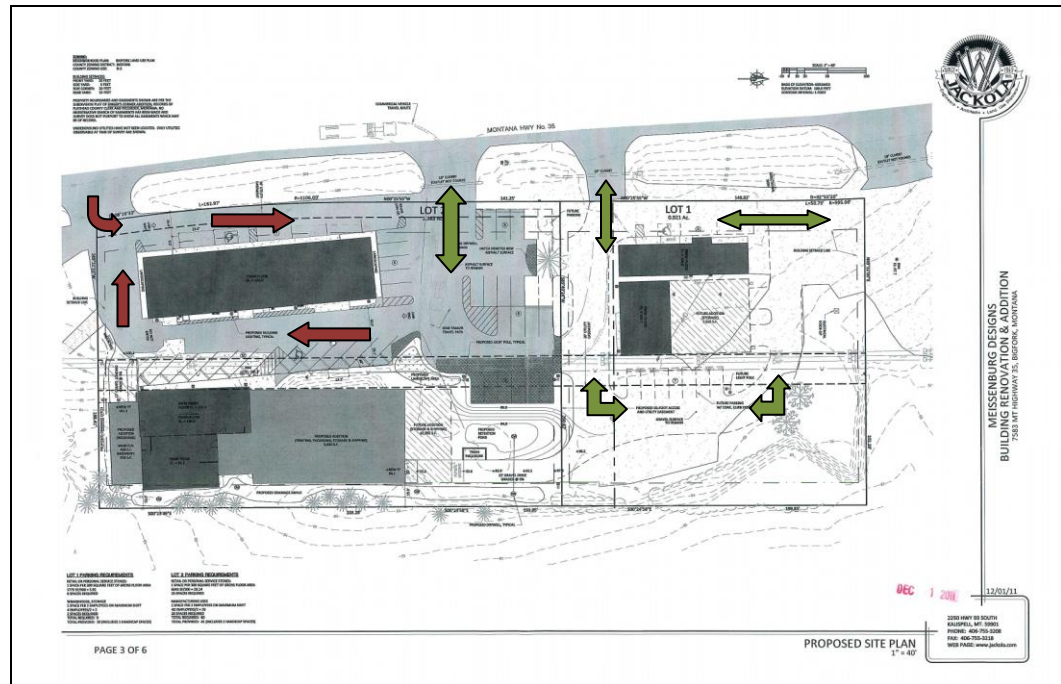
According to Section 6.09.010 of the Flathead County Zoning Regulations, one parking space is required for every 300 square feet of gross floor area for retail or professional service stores. Therefore the northern lot which contains the existing food pantry is required to provide six (6) spaces. Additionally, the northern lot will also contain storage, which according to Section 6.10.020 FCZR requires 1 space per 2 employees on maximum shift. Therefore, an additional 2 spaces are required for a total of eight (8) spaces located on Lot 1. The southern lot will also contain retail or professional service stores, which based on the proposed square footage of the building, will require twenty (20) parking spaces. Additionally, the southern lot will include manufacturing uses, which according to Section 6.10.010 FCZR require 1 space per 2 employees on maximum shift. Therefore an additional twenty (20) parking spaces are required for a total of forty (40) spaces located on Lot 2. Based on the application and proposed site plan, the applicant has provided for the required number of parking spaces, including handicap parking spaces, and has included a few extra spaces located on both parcels. Section 6.13 of the Flathead County Zoning Regulations also lists special conditions for parking in the B-3 zoning. The proposed parking areas will need to comply with all requirements of this section.

Finding #4 – The proposed parking location(s) and design are acceptable because adequate space is available on both parcels to accommodate both visitor and employee parking, and the number of parking spaces shown on the site plan exceeds the applicable parking and loading requirements set forth in the zoning regulations.

ii. Traffic circulation

All vehicle traffic will enter and exit the site using the 3 existing paved approaches onto MT Highway 35. The southern lot, Lot 2, is proposed to include a paved one-way traffic pattern counterclockwise around the existing building fronting the highway as shown in Figure 7 below (depicted with red arrows outlining direction). There will be a driving surface of approximately 20 feet between the existing building and the proposed parking spaces located on the west side of the existing rear building and proposed expansion. This is adequate to accommodate one-way traffic moving around the building, as required per Appendix A of the Flathead County Zoning Regulations. The other approaches will contain two-way traffic around the proposed parking areas and existing/proposed building expansions (outlined with green arrows), but will only consist of a gravel surface. There is approximately 35 feet between the center parking area and the existing building located on Lot 1, which is adequate to accommodate two-way traffic patterns.

Figure 7: Proposed traffic circulation (applicant drawing).



Finding #5 – Traffic circulation throughout the entire property appears adequate to accommodate the proposed expansion because the existing and proposed internal roads would direct one-way traffic around the existing building located on Lot 2, and provide two-way access around the building and parking areas located on Lot 1 in conformance with circulation standards found in Appendix A of the Flathead County Zoning Regulations.

iii. Open space

The subject properties are currently utilized for multiple retail businesses, some retail manufacturing, and storage. The majority of Lot 2 is fully developed with

buildings and paved parking areas. Lot 1 currently has structures on approximately ¼ of the property with gravel parking areas and travel surfaces. However, Section 3.18.040(6) of the Flathead County Zoning Regulations does not list a value for maximum permitted lot coverage in the B-3 zoning. Therefore, no set amount of open space is required to be maintained per the zoning regulations. However, it appears that the applicant will leave some open space located towards the rear of Lot 1 and along all property boundaries by meeting the required building setbacks.

Finding #6 – There is adequate open space associated with the project because there is no limit on the amount of permitted lot coverage amount in a B-3 zoning district, both parcels are currently developed and the applicant will leave some open space on Lot 1.

iv. Fencing/screening

No fencing or screening has been proposed by the applicant as part of the conditional use permit request. No fencing or screening is currently utilized on the subject property, as there are no conflicting uses presently adjacent to the parcels. The Flathead County Zoning Regulations only lists fencing height requirements applicable to properties zoned B-3. If the applicant chose, they could erect fencing around the property with a maximum height of 6 feet around the side and rear property boundary of the parcels, and a maximum of 8 feet along the front boundary of the parcels for security purposes only. The proposed additions on both lots will be screened from MT Highway 35 by the existing buildings, and the mature trees located at the rear of the property will screen the additions when viewed from the east. The applicant has stated they will attempt to maintain as many existing trees as possible. Additionally, the applicant will utilize the existing topography and grading to reduce the visible impact when viewed from MT Highway 35.

Finding #7 – No fencing or screening is proposed on either of the subject parcels, and this is acceptable because the proposed land uses are generally compatible with the surrounding area, existing topography and vegetation provide a natural buffer around the parcels, and there are no requirements set forth by the Flathead County Zoning Regulations requiring any mitigation.

v. Landscaping

No landscaping is specifically required for the proposed expansion per the Flathead County Zoning Regulations, although the applicant is proposing some landscaping around the existing building fronting MT Highway 35 on Lot 2. This will help visually buffer the proposed addition located at the rear of the property. Also, the applicant is proposing to maintain as many of the existing trees as possible to provide a natural buffer along the rear and side property lines.

Finding #8 – The proposed and current landscaping on the subject properties would be acceptable because there are no specific requirements applicable to the proposed expansion, and the applicant has voluntarily proposed additional landscaping around the existing structures.

vi. Signage

Currently there is signage located on the existing building fronting MT Highway 35 on Lot 2. Based on the Computer Assisted Mass Appraisal (CAMA) data provided by the State of Montana Department of Revenue, it appears the building and associated uses were established in 1986. Since the Bigfork Zoning District was established in 1993, the building and existing signage are considered grandfathered. The applicant is not proposing any additional monument signage with the proposed expansion. However, with the expansion of the manufacturing building on Lot 2, the applicant is proposing to erect a new wall sign to be located on the structure stating the business. Any new signage constructed on either property must comply with the signage regulations found in Section 5.11 of the Flathead County Zoning Regulations, specifically Section 5.11.020(11) FCZR relating to allowable signage. Based on that section of the regulations, Lot 1 is allowed a maximum amount of signage on the property equal to 150 square feet. Lot 2 is allowed a maximum amount of signage on the property equaling 432 square feet. The regulations state that the property owner may divide the maximum amount of signage however they desire between the buildings located on that lot. However, wall signs are only allowed to have a maximum surface area of 40 % of the exposed street-front façade [Section 5.11.020(8) FCZR].

Finding #9 – Signage associated with the proposed expansion appears acceptable because the existing signage is considered grandfathered under the zoning regulations, no additional monument signage is proposed, and all new signage constructed in the future would be required to comply with the applicable regulations.

vii. Lighting

Currently there is security lighting on all the existing buildings located on both parcels. The applicants are only proposing to remove one existing light pole located near the rear building on Lot 2. No other changes to the existing lighting are proposed. The applicants are proposing to install three (3) new light poles to supplement the existing building lighting around the proposed parking areas on Lot 2, and install one (1) new light pole towards the rear of the proposed addition on Lot 1. The applicant has also proposed downward directed building-mounted lighting on the proposed additions to illuminate the areas around the buildings. All exterior lighting proposed for both parcels will be required to comply with Section 5.12 of the zoning regulations to prevent the unwanted or unwarranted intrusion of artificial lighting in or onto areas other than the subject parcels. Exterior lighting shall be hooded, screened or directed in such a manner as not to impact adjacent properties per Section 5.12.020

FCZR. The applicant has indicated all proposed lighting will be shielded and directed downward.

Finding #10 – Proposed lighting for the building additions and parking areas would be acceptable because the applicant has stated all exterior lighting will be directed downward and will comply with the applicable zoning regulations.

C. Availability of Public Services and Facilities

i. Sewer

The existing buildings located on both parcels are currently served by the Bigfork Water and Sewer District. Staff attempted to contact the Bigfork Water and Sewer District for agency comment on the proposed expansion; however, no comments have been received to date. The applicant will need to contact the Bigfork Water and Sewer District to determine if a new connection will be required, or if rerouting the existing sewer service line will be adequate.

ii. Water

Both lots are currently provided domestic water from a community water system served by a well located on the southern adjacent lot. It is anticipated that the proposed expansions will demand very little additional domestic water, and the applicant is proposing to continue receiving domestic water from the same source. The current water system was initially reviewed and approved by the Montana Department of Environmental Quality (DEQ) in 1993, during the subdivision plat approval. The applicant will need to contact DEQ to determine if re-review of the water system is required.

Finding #11 – The proposed expansion appears to have a minimal impact on existing public services and facilities because it will utilize an existing public sewer connection and an existing community water system served by a well.

iii. Storm Water Drainage

Stormwater drainage on the subject parcels is currently handled by directing run-off from impervious surfaces towards the existing stormwater inlets and swales located along MT Highway 35. The applicant is proposing new retention ponds located on Lot 2, directly behind the proposed parking area. The retention pond will be adequately sized to retain the additional runoff created by the expanded impervious surfaces. Additionally, Lot 1 will not include paved traveling surfaces or parking lots, which will accommodate an increased amount of on-site absorption.

Finding #12 – Stormwater drainage has been adequately addressed because both parcels currently utilize existing stormwater inlets and swales along MT Highway 35, the applicant is proposing an additional retention pond, and Lot 1 will not include paved surfaces which will maintain on-site absorption.

iv. Fire Protection

The subject properties are located within the jurisdiction of the Bigfork Fire District, with the closest fire station located approximately two miles south of the property, off Grand Drive in Bigfork. Adequate access to both parcels would be available using the three existing paved approaches of MT Highway 35 and the paved internal roadways. Staff contacted the Bigfork Fire Department during agency referrals and received comment in support of the conditional use permit request. It is anticipated the expansions to the structures will require review and approval through the Montana Department of Industry Building Codes Bureau, and will be required to meet adequate codes and standards related to fire safety as regulated by the state.

v. Police Protection

The subject property is currently served by the Flathead County Sheriff's Department. Relatively quick response times would be anticipated given the property's location next to MT Highway 35 and in close proximity to the town of Bigfork.

vi. Streets

As discussed in previous sections, the subject parcels have direct access onto MT Highway 35 via three existing paved approaches. The highway is able to accommodate large amounts of vehicle traffic, and all three of the existing accesses appear to have adequate site distances to safely accommodate traffic entering and exiting both properties. The internal circulation road on Lot 2 will be paved and designed to accommodate one-way traffic traveling around the existing and proposed building expansions. It does not appear that the proposed additions will significantly increase the amount of traffic to affect the existing road network, which seems capable of handling all traffic generated by the proposed expansion.

Finding #13 - Impacts to public services and facilities are anticipated to be minimal because both parcels are located within the jurisdiction of the Bigfork Fire District and the Flathead County Sheriff's Department, and there are three existing paved approaches providing direct access onto MT Highway 35, which can adequately serve the traffic generated by the proposal.

D. Immediate Neighborhood Impact

i. Excessive traffic generation

The subject parcels are located adjacent to MT Highway 35, which receives high rates of regular daily traffic. The 5th Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual provides traffic counts for manufacturing (land use #140), single-tenant office building (land use #715) and general office building (land use #710). Traffic counts for the manufacturing business was measured per 1,000 square feet of gross floor area with an average rate of 3.85 vehicle trips for each weekday; and counts for the general office building were measured per 1,000 square feet of gross floor area with an average rate of 2.46 vehicle trips per day. Based upon these

calculations, the ITE suggests an average weekly number of trips to the businesses on Lot 2 to be approximately 324 trips using the entire proposed square footage at full build-out. The ITE gives a traffic count for the single-tenant office building measured per 1,000 square feet of gross floor area with an average rate of 11.5 vehicle trips per day. Based upon that calculation, Lot 1 would see an average weekly number of approximately 98 trips.

The calculations provided by the ITE are not the only criteria determining the actual number of vehicle trips the properties may receive. The applicant is proposing the new additions to include more material storage areas, reducing the amount of pickup and delivery traffic. Additionally, the applicant is not proposing to expand the existing office building on Lot 2 or the food pantry on Lot 1, therefore the number of vehicles visiting those businesses is not anticipated to change. Staff contacted the Montana Department of Transportation regarding the proposal and received comment indicating they had no concerns regarding the application. Based on that letter, it can be assumed that MT Highway 35 will not be generally affected by the proposed expansion, and can accommodate any additional vehicle trips.

Finding #14 – Vehicle traffic generated by the proposed expansion is not anticipated to negatively impact the immediate neighborhood because the traffic generated by the expansion would utilize MT Highway 35 which has been designed to accommodate higher traffic volumes, the number of trips relating to the existing business on Lot 1 and the existing office building on Lot 2 would not change as a result of the expansion request, and the expansion would provide for more storage areas which do not generate significant delivery traffic.

ii. Noise or vibration

No excessive noise or vibration is anticipated as a result of the proposed building expansions. The printing of the signs is a relatively noiseless operation, and will be located in the new addition. The sign assembly can have some noise; however, it is not moving from the current location, therefore no additional impact is anticipated.

iii. Dust, glare or heat

The existing sign assembly areas have dust collection systems which will be maintained in the current buildings. The expansions are planned to contain the sign printing, packaging, and storage areas. There are no detrimental effects of dust, heat or glare anticipated with those proposed uses. Additionally, the internal circulation roads and proposed parking areas located on Lot 2 will be paved, reducing the amount of dust resulting from the manufacturing and office businesses. The majority of Lot 1 will remain in gravel or undeveloped open space, but additional traffic on Lot 1 is minimal as identified in section D(i) above.

iv. Smoke, fumes, gas, or odors

The existing sign assembly operations do not emit smoke or gases. An existing paint booth for the sign assembly operation is planned to relocate into the new addition on Lot 2. While the booths may emit fumes or odors during operation, the areas will be designed with upblast ventilation systems to disperse the fumes away from ground level and up into the air.

Finding #15 – Impacts resulting from the proposed use would be acceptable because the proposed expansions will not generate excessive noise or vibration beyond what currently exists, the dust collection systems for the existing sign assembly will continue to be maintained, the internal circulation roads accommodating most traffic will be paved, and the potential for smoke, fumes or odors will be reduced by the installation of an upblast ventilation system.

v. Inappropriate hours of operation

The applicant has indicated typical hours of operation will be between 8:00 AM and 5:00 PM, Monday through Friday. Occasionally sale volumes can change resulting in production occurring between 7:00AM and 9:00PM, with some weekend production if required. These times are not anticipated to change and the proposed expansion may actually assist in reducing the number of after hour productions. Additionally, all adjacent properties are commercially zoned, and no residential facilities are located nearby which may be impacted by late or weekend hours.

Finding #16 – The proposed hours of operation are acceptable because they are similar to other commercial uses in the area, and occasional weekend or late hours will not impact residential uses as there are none surrounding the parcels.

V. SUMMARY OF FINDINGS

1. The subject property contains adequate usable space because the proposed expansions would be a continuation of the current manufacturing business, the property can accommodate the proposed expansions and associated parking, and the applicant can comply with the bulk and dimensional requirements of the district.
2. The site appears to have appropriate access because both lots have direct access onto MT Highway 35 via three existing paved approaches, the approaches appear to have good site distances to allow traffic to enter and exit the property safely, and the existing approaches will not require re-review by MDT.
3. The subject properties appear suitable for the proposed expansions because the land to be developed is absent of environmental constraints such as steep topography, excess fuels, riparian areas, floodplain or designated wetland.
4. The proposed parking location(s) and design are acceptable because adequate space is available on both parcels to accommodate both visitor and employee parking, and the number of parking spaces shown on the site plan exceeds the applicable parking and loading requirements set forth in the zoning regulations.

5. Traffic circulation throughout the entire property appears adequate to accommodate the proposed expansion because the existing and proposed internal roads would direct one-way traffic around the existing building located on Lot 2, and provide two-way access around the building and parking areas located on Lot 1 in conformance with circulation standards found in Appendix A of the Flathead County Zoning Regulations.
6. There is adequate open space associated with the project because there is no limit on the amount of permitted lot coverage amount in a B-3 zoning district, both parcels are currently developed and the applicant will leave some open space on Lot 1.
7. No fencing or screening is proposed on either of the subject parcels, and this is acceptable because the proposed land uses are generally compatible with the surrounding area, existing topography and vegetation provide a natural buffer around the parcels, and there are no requirements set forth by the Flathead County Zoning Regulations requiring any mitigation.
8. The proposed and current landscaping on the subject properties would be acceptable because there are no specific requirements applicable to the proposed expansion, and the applicant has voluntarily proposed additional landscaping around the existing structures.
9. Signage associated with the proposed expansion appears acceptable because the existing signage is considered grandfathered under the zoning regulations, no additional monument signage is proposed, and all new signage constructed in the future would be required to comply with the applicable regulations.
10. Proposed lighting for the building additions and parking areas would be acceptable because the applicant has stated all exterior lighting will be directed downward and will comply with the applicable zoning regulations.
11. The proposed expansion appears to have a minimal impact on existing public services and facilities because it will utilize an existing public sewer connection and an existing community water system served by a well.
12. Stormwater drainage has been adequately addressed because both parcels currently utilize existing stormwater inlets and swales along MT Highway 35, the applicant is proposing an additional retention pond, and Lot 1 will not include paved surfaces which will maintain on-site absorption.
13. Impacts to public services and facilities are anticipated to be minimal because both parcels are located within the jurisdiction of the Bigfork Fire District and the Flathead County Sheriff's Department, and there are three existing paved approaches providing direct access onto MT Highway 35, which can adequately serve the traffic generated by the proposal.

14. Vehicle traffic generated by the proposed expansion is not anticipated to negatively impact the immediate neighborhood because the traffic generated by the expansion would utilize MT Highway 35 which has been designed to accommodate higher traffic volumes, the number of trips relating to the existing business on Lot 1 and the existing office building on Lot 2 would not change as a result of the expansion request, and the expansion would provide for more storage areas which do not generate significant delivery traffic.
15. Impacts resulting from the proposed use would be acceptable because the proposed expansions will not generate excessive noise or vibration beyond what currently exists, the dust collection systems for the existing sign assembly will continue to be maintained, the internal circulation roads accommodating most traffic will be paved, and the potential for smoke, fumes or odors will be reduced by the installation of an upblast ventilation system.
16. The proposed hours of operation are acceptable because they are similar to other commercial uses in the area, and occasional weekend or late hours will not impact residential uses as there are none surrounding the parcels.

VI. CONCLUSION

Upon review of this application, the request for expansion of existing non-conforming uses on the two subject properties is supported by the review criteria and all 16 Findings of Fact listed above. Should the Flathead County Board of Adjustment choose to adopt staff report FCU-11-11 as findings of fact and approve the conditional use permit, the following 11 conditions would ensure compliance with the review criteria and appropriate measures to mitigate impacts have been met:

VII. CONDITIONS

1. The location and operation for the proposed expansion of existing non-conforming uses on the subject properties shall be in substantial conformance with the application and site plan submitted and approved by the Board of Adjustment [FCZR Section 2.06.010].
2. Changes or modifications to the approved use(s) and/or site plan shall not be affected unless specifically reviewed and approved by the Flathead County Board of Adjustment [FCZR Section(s) 2.06.010 and 2.06.020].
3. The proposed expansion of non-conforming uses shall conform with all applicable bulk and dimensional requirements of the “B-3 Community Business” zoning [FCZR Section 3.18.040].
4. A minimum of 48 parking spaces shall be set aside on the subject properties to accommodate employee and visitor traffic generated by the proposed expansion of non-conforming uses, in accordance with applicable zoning regulations [FCZR Section(s) 6.09.010, 6.10.010, and 6.10.020]. Lot 1 is required to contain at least 8 of the parking spaces, and Lot 2 is required to contain 40 of the parking spaces.
5. All required parking and internal circulation roads associated with the proposed expansion shall meet the applicable design guidelines set forth in the Flathead County

Zoning Regulations [FCZR Section(s) 6.15 and 6.16], including Appendix A of the regulations.

6. All existing and future signage on the subject property shall comply with the applicable standards and guidelines set forth under Section 5.11 of the Flathead County Zoning Regulations.
7. All proposed exterior lighting on the subject property shall adhere to the performance standards set forth in the Flathead County Zoning Regulations [FCZR Section 5.12]; existing lighting shall be required to come into compliance within 1 year of issuance of this permit.
8. The proposed expansion of non-conforming uses shall undergo review and receive approval from the Department of Labor & Industry Building Codes Bureau, in the form of a building and occupancy permit, to ensure compliance with all applicable construction and fire codes. Documentation confirming the completion of this requirement shall be available upon request.
9. The proposed expansion of non-conforming uses shall undergo review and receive approval from the Montana Department of Environmental Quality for use of the existing community water system prior to operation. Documentation confirming the completion of this requirement shall be available upon request.
10. The proposed expansion of non-conforming uses shall undergo review by the Bigfork Water and Sewer District to determine if the existing sewer connection is adequate prior to operation. Documentation confirming the completion of this requirement shall be available upon request.
11. Per the applicant's development plan submitted for review and Section 2.06.0060(2)(A) of the FCZR, full build-out of the proposed development will occur within 5 years from the date of approval.